

## High Impact Protection Ordinance Section Descriptions

### Article I. Introduction

Sections 1-3 in Article I deal with the purpose of the ordinance, the North Carolina General Statutes under which it would be adopted, and the geographic area that the ordinance will cover.

### Article II. Regulated Industries

- Section 1. Regulated Uses – This section details exactly which uses will be regulated and addressed by this ordinance. For the most part, industries have been categorized by the impacts upon surrounding areas. Class I would be the least intrusive, while Class V would be the most. The Task Force used impacts on public health, noise, smell, dust, and visual impacts as the primary criteria for establishing these uses and categories.
- Section 2. Definitions – Defines and describes the industries and key terms used in the ordinance.
- Section 3. Regulations and Standards – Any high impact industry listed in the ordinance must meet the standards of this section in order to be qualified for a permit to construct. This section includes screening bufferyards, landscaping plans, setbacks, dust and noise mitigation, and a traffic impact analysis. If a high impact industry cannot meet the standards of this section, they will not be eligible to obtain a permit.
  - Screening and bufferyards provide a visual separation between the proposed industry and the property line. Typically this area will include trees, shrubs, fences, etc. in an effort to make the industry as invisible to adjacent properties as possible. The applicant would be required to submit a landscaping plan to the Ordinance Administrator showing how this would be accomplished.
  - Each class of industry has been assigned specific setbacks ranging from 100 feet to 2,000 feet. This is based on the impacts the industry would have on surrounding properties.
  - Dust and noise mitigation plans would be required to ensure that the industry would not have a detrimental impact on surrounding properties. These plans would show how the developer would limit the amount of dust and noise on the property.
  - A traffic impact analysis will be required for industries that will overburden the roads. If this is the case, a study would be made of the road network and recommended improvements would be determined. It would then be the responsibility of the industry to make those improvements, or not receive a permit.
- In addition to the standards that are required through Section 3, there are also provisions for the “clustering” of high impact industries. To lessen the potential effect on residential areas, a high impact industry would receive relaxed standards if they were to locate adjacent to other industrial property.

- To help insure that high impact industries maintain the standards listed in this section, a reporting requirement has been included. This requires that a high impact industry notify the County with the results of any state or federal reports or citations.

### **Article III. Pre-Existing High Impact Industries**

This section effectively allows existing industries to remain “as-is”. The section also allows for the expansion of the industries and reconstruction in the event of a catastrophe. Certain allowances are made in this section in an effort to preserve existing high impact industries to keep the ordinance as non-intrusive as possible.

### **Article IV. Permit Procedures**

This article details the procedure in which a development permit will be issued for a high impact industry. It also gives the Ordinance Administrator the ability and authority to enforce the ordinance when permits are not obtained.

### **Article V. Appeals and Variances**

The proposed ordinance suggests that the County Planning Board be changed to a Board of Planning and Adjustment. To properly enforce the ordinance, and to allow for relief from the ordinance in very specific instances, an appeal and variance process should be added. If an applicant for a high impact industry disagrees with the way in which the ordinance is being administered, they may appeal the Ordinance Administrator’s decisions.

The Board of Planning and Adjustment would be a quasi-judicial board, which means that they would make decisions based on factual information only. Any appeal to the decisions of this board would be taken directly to Superior Court. The reason for putting this responsibility on the Board of Planning and Adjustment and not the Commissioners is to make the process as non political as possible.

### **Article VI. Enforcement and Penalties**

This section sets forth the enforcement procedures for those violating the ordinance. An ordinance is only as good as its enforcement. Typically this would be done on a complaint basis.